

REMARKS

The Non-Final Office Action mailed December 9, 2009 and the references cited therein have been carefully considered and Applicants respectfully request reconsideration. Claims 1 and 3-24 are currently pending in this application, although Claims 14-20 have been withdrawn in response to a Restriction Requirement. By this response, Applicants have amended Claims 1, 3-5 and 21 and have canceled Claims 14-20. The amendments to Claims 1, 3-5 and 21 are intended to address the rejection under 35 U.S.C. § 112, second paragraph, of the subject Office Action. By the amendments herein, Applicants have adopted the language recommended by the Examiner in the subject Office Action. Support for these limitations can be found within the specification, including the drawings, and the claims as originally filed. Accordingly no new matter is introduced by these amendments. Applicants respond specifically below to the issues raised in the subject Office Action.

Applicants appreciate and acknowledge the Examiner's indication of allowable subject matter through the fact that no prior art rejections have been maintained in the instant case and the indication that the "obviation of the 112 issue would place the application in condition for allowance." Accordingly, Applicants have attempted to adopt the steps of liquefying the liquid crystal layer, orienting it and solidifying it to form the instant personalised optical variable element, as suggested in the Office Action. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection under 35 U.S.C. § 112, second paragraph.

Claim Rejections Under 35 U.S.C. § 112, Second Paragraph

Claims 1, 3-13 and 21-24 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In particular the subject Office Action indicates that "it is not clear that the instant process can actually be performed without the inclusion of the steps of

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liquefying the liquid crystal layer, orienting it and then solidifying the layer. Thus, in order to clarify that aspect of the invention, Applicants have amended the claims to recite “after the application of the film body to the personalised orientation layer the LCP layer is liquefied, oriented and solidified.” Support for these limitations can be found in the original specification at page 13, lines 4-13, as well as more fully throughout the original specification and claims. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejections of the claims under 35 U.S.C. §112, second paragraph.

Conclusion

Entry of the amendments herein and favorable consideration of Claims 1, 3-13 and 21-24 is hereby solicited. Applicants respectfully request reconsideration and allowance of the claims presented. In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner has any questions or suggestions to expedite allowance of this application, the Examiner is cordially invited to contact Applicant’s attorney at the telephone number provided.

Respectfully submitted,

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